

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2816 of 2020

1. Chandrma Singh S/o Late Khakhan Singh resident of Mohalla- Idgah Road, Makhanpur (West), Gyan Bhawan, Gulzarbagh, P.S.- Alamganj, District- Patna- 800 007
2. Maheshwar Prasad Singh S/o Late Awadh Bihari Singh resident of Mahatma Gandhi Nagar, Kanti Factory Road, near Mukund Kunj Apartment, P.O.- Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna- 800 026.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
3. The Director, Bihar Survey Office, Gulzarbagh, Patna- 800007.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lakmesh Marvind, Adv.
For the Respondent/s : Mr. Sajid Salim Khan (SC25)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 15-02-2024 Heard learned counsel for the petitioners and learned counsel for the State.

2. Counsel for the petitioner No.1 and petitioner No.2 were retired on 31.08.2010 and 31.05.2010 from the Bihar Survey Office, Gulzarbagh working under the Revenue and Land Reforms Department, Government of Bihar.

3. Counsel submits that petitioners have earlier moved before this Hon'ble Court in C.W.J.C. No. 6284 of 2018 which was disposed off on 13.04.2018 and direction was given to the petitioners to file representation before the respondent authorities and was directed to dispose off the representation in accordance with law. He submits that the representation filed by the petitioners were disposed off and order was communicated



vide Letter No. 1719 dated 16.10.2019, but the time of deciding the representation, the Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar has not considered the letter issued by the Finance Department vide Letter No. 6403 dated 20.07.2015 (Annexure-4) according to which the claim of the petitioners has to be considered.

4. Counsel further submits that petitioners have been granted benefits of 3rd A.C.P. /M.A.C.P. on 11.04.2012 till then the M.A.C.P., 2010 became notified with effect from 14.07.2010 and in the said rule, it has been categorically mentioned in Clause-29 that in case of any doubt about applicability of this rule, the decision of Finance Department shall be final.

5. Counsel for the State submits that Annexure-11 of the writ petition is the decision taken by the Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar has passed a reasoned and speaking order and in that light, there is no case of the petitioner.

6. Upon persual of the records and the arguments made, it transpires to this Court that the petitioners were granted benefits of 1st and 2nd A.C.P. and the benefit of 3rd A.C.P. has been granted to him vide letter dated 11.04.2012 with effect from 01.01.2009 in Grade Pay of 4600/- whereas the petitioners are claiming that his clarification with regard to grant of revised



2nd A.C.P. has been made by the letter of Secretary, Finance Department dated 20.07.2015(Annexure-4 of the writ petition).

7. It transpires to this Court that according to Rule 29 of M.A.C.P., any clarification has to be made with regard to the instructions of Finance Department of the Government. At the time of deciding the case of petitioners , the Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar has not considered the instructions of the Finance Department(Annexure-4). As such, the order passed by the Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar(Annexure-11) letter No.1719 dated 16.10.2019 is hereby quashed and the Additional Chief Secretary, Revenue and Land Reforms, Government of Bihar is directed to pass fresh order considering Annexure-4 of the writ petition relating to the petitioners within 60 days from the date of filing their fresh representation in this matter along with the order of this Court.

8. With the aforesaid direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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